

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CANDACE PARTEE,

Defendant.

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8:09CR32

ORDER

This matter is before the court on the motion to continue by defendant Candace Partee (Partee) (Filing No. 73). Partee seeks a continuance of the trial of this matter which is scheduled for May 26, 2009. Partee's counsel has represented to the court that Partee will submit an affidavit wherein Partee represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Partee's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Partee's motion to continue trial (Filing No. 73) is granted.
2. Trial of this matter is re-scheduled for **July 6, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 15, 2009 and July 6, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 15th day of May, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge